

1 GENERAL GOVERNMENT CABINET

2 Department of Law

3 Consumer Protection Division, Office of Attorney General

4 (Amendment)

5 40 KAR 2:001E. Definitions **for 40 KAR Chapter 2.**

6 RELATES TO: KRS 367.461, 367.463, 367.465, 367.467, 367.469, 367.46951-367.46999.

7 STATUTORY AUTHORITY: KRS 15.180, 367.150, 367.469, 367.46983.

8 NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation

9 establishes the definitions for 40 KAR Chapter 2. [To define terms related to the

10 application for use and permitting use of automated calling equipment in the

11 Commonwealth of Kentucky.]

12 Section 1. Definitions. ~~[In addition to the definitions in KRS 367.461, and unless the~~

13 ~~context otherwise requires:]~~

14 (1) "Address" means the permanent location at which legal documents are received by an

15 applicant or permittee. ~~["Utilizing" means making direct or indirect use of automated~~

16 ~~calling equipment in any trade or commerce.]~~

17 (2) "Applicant" means any natural person, corporation, company, partnership, or other

18 legal entity seeking:

19 (a) a permit to use automated calling equipment in the Commonwealth of Kentucky;

20 (b) to enroll on the No Telephone Solicitation Calls List; or

(c) to obtain the No Telephone Solicitation Calls List in order to comply with KRS 367.46955.

~~["Alternate form of surety" means a financial or commercial transaction which provides the same level of certainty of financial responsibility as a surety bond drawn by a surety company authorized to do business in the Commonwealth of Kentucky in the event of insolvency, bankruptcy, or unavailability of the applicant and related parties to meet claims for restitution losses or civil penalties for violations of KRS Chapter 367.]~~

(3) "Consumer" is defined by KRS 367.46951(5). ~~[Applicant means any natural person, corporation, company, partnership, or other legal entity seeking a permit to use automated calling equipment in the Commonwealth of Kentucky.]~~

(4) "Designated agent" means an agent for service of process of legal documents. ~~["Permittee means any holder of a duly issued permit to use automated calling equipment in the Commonwealth of Kentucky.]~~

(5) "Division" is defined by KRS 367.46951(9). ~~["Address means the permanent location at which legal documents are received by an applicant or permittee.]~~

(6) "Merchant" is defined by KRS 367.46951(7). ~~["Name" means a combination of words used by a person, corporation, company, partnership, or other legal entity within the past (60) months as a means of identification.]~~

(7) "Name" means a combination of words used by a person, corporation, company, partnership, or other legal entity within the past sixty (60) months as a means of identification. ~~["Designated agent" means an agent for service of process of legal documents.]~~

1 (8) “No Telephone Solicitation Calls List” or “No Call List” means a list containing the
2 telephone numbers of individuals that indicate their preference not to receive telephone
3 solicitations. [“Financial responsibility” means a surety bond by a surety company
4 authorized to do business in the Commonwealth of Kentucky or an alternate form of surety
5 approved by the Attorney General in the event of insolvency, bankruptcy, or unavailability
6 of the applicants or permittees to address consumer complaints, claims for restitution, or
7 civil penalties for alleged violation of KRS Chapter 367.]

8 (9) “Permittee” means any holder of a duly issued permit to use automated calling
9 equipment in the Commonwealth of Kentucky.

10 (10) “Telemarketer” is defined by KRS 367.46951(11).

11 (11) “Telemarketing company” is defined by KRS 367.46951(13).

12 (12) “Utilizing” means making direct or indirect use of automated calling equipment in
13 any trade or commerce.

ALBERT B. CHANDLER III, Attorney General

Date

Approved as to form.

JANET M. GRAHAM, Attorney
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Date